IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 5TH NOVEMBER 2007 / 14TH KARTHIKA 1929

Bail Appl..No. 6706 of 2007()

CRMP.8428/2007 of J.M.F.C.-III, PUNALUR
CRIME NO.109/07 OF PATHANAPUAM EXCISE RANGE.

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PETITIONER/1ST ACCUSED

SUNNY, S/O. THANKACHAN, AGED 40,
VATTAKKUNNU VEEDU, CHELIKUZHY, PATTAZHI
VADAKKEKARA, PATHANAPURAM.

BY ADV. SMT.VIVEEJA RAVEENDRAN

RESPONDENTS: COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. EXCISE INSPECTOR,
PATHANAPURAM EXCISE RANGE, KOLLAM DISTRICT.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 6706 of 2007

Dated this the 5th day of November, 2007

ORDER

Application for regular bail. The petitioner is the 1st accused. Altogether, there are three accused persons. The petitioner was allegedly found to keep in his possession 32 litres of spirit and two sealing machines. He was arrested on 17/9/07. On information furnished by the accused, Accused 2 and 3 are proceeded against. The 2nd accused had come to this Court for anticipatory bail. The said application has already been dismissed as per the order in B.A.No.6297/07. The petitioner continues in custody from 17/9/07. The learned Public Prosecutor submits that there are no other cases under the Abkari Act registered against the petitioner.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer on condition that the Investigator is given the full complement of 60 days to complete the investigation from the date of his remand, and I am satisfied that the petitioner can now be

enlarged on bail subject to appropriate terms and conditions.

3. **In the result:**

(a) This application is allowed. The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall not be released from custody on the strength of this order prior to 16/11/2007 (16th November, 07). The Investigator shall, in the meantime, make every endeavour to complete the investigation.

(ii) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(iii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of three months from the date of his release and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT, JUDGE)

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